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PATENT & TRADEMARK OFFICE

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Total Number of Pages in This Submission

Application Number 10/825,961

Filing Date April 16, 2004

First Named Inventor MILLER, DAVID R.

Art Unit 3738

Examiner Name Unassigned


Attorney Docket Number 022175-000200US

ENCLOSURES (Check all that apply)

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Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Scott M. Smith		
Date	2/24/05	Reg. No.	48,268

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Attorney Docket No.: 022175-000200US

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TOWNSEND and TOWNSEND and CREW LLP

By: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID R. MILLER et al.

Application No.: 10/825,961

Filed: April 16, 2004

For: SPINAL DIAGNOSTIC METHODS
AND APPARATUS

Examiner: Unassigned

Art Unit: 3738

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references numbered 44-53 are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Scott M. Smith
Reg. No. 48,268

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60429553 v1

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **3****Complete If Known**

Application Number	10/825,961
Filing Date	April 16, 2004
First Named Inventor	MILLER, DAVID R.
Art Unit	3738
Examiner Name	Unassigned
Attorney Docket Number	022175-000200US

U.S. PATENT DOCUMENTS+

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	US-3,482,576	5-9-2003	Ericson	
	2	US-3,885,561	5-01-1975	Cami	
	3	US-3,952,742	04-27-1976	Taylor	
	4	US-4,419,819	12-13-1983	Dickhudt	
	5	US-4,715,378	12-29-1987	Pope	
	6	US-4,737,146	4-12-1988	Amaki et al.	
	7	US-4,973,305	11-27-1990	Goltzer	
	8	US-5,004,456	4-2-1991	Botterbusch et al.	
	9	US-5,024,655	6-18-1991	Freeman et al.	
	10	US-5,024,659	6-18-1991	Sjostrom	
	11	US-5,084,016	1-28-1992	Freeman et al.	
	12	US-5,129,889	07-14-1992	Hahn et al.	
	13	US-5,234,406	08-10-1993	Drasner et al.	
	14	US-5,344,439	09-6-1994	Otten	
	15	US-5,354,282	10-11-1994	Bierman	
	16	US-5,433,739	06-18-1995	Sluijter et al.	
	17	US-5,571,147	11-5-1996	Sluijter et al.	
	18	US-5,591,132	01-7-1997	Carrie	
	19	US-5,693,032	12-02-1997	Bierman	
	20	US-5,800,402	09-1-1998	Bierman	
	21	US-5,800,407	09-1-1998	Eldor	
	22	US-5,833,666	11-10-1998	Davis	
	23	US-5,833,667	11-10-1998	Bierman	
	24	US-5,908,405	06-01-1999	Imran	
	25	US-6,054,429	04-25-2000	Bowersox et al.	
	26	US-6,190,370	02-20-2001	Tsui	
	27	US-6,602,248	08-5-2003	Sharps et al.	
	28	US-6,261,311	07-17-2001	Sharkey et al.	
	29	US-6,368,315	04-9-2002	Gillis, et al.	
	30	US-6,387,076	05-4-2002	Landuyt	
	31	US-6,547,810	04-15-2003	Sharkey et al.	
	32	US-6,613,044	09-02-2003	Carl	
	33	US-6,648,873	11-18-2003	Arenberg	
	34	US-6,554,802	4-29-2003	Pearson et al.	
	35	US-6,673,063	01-06-2004	Brett	
	36	US-6,676,643	01-13-2004	Brushey	
	37	US-6,733,496	05-11-2004	Sharkey et al.	
	38	US-2002/0120259	08-29-2002	Lettice et al.	
	39	US-2002/0151885	10-17-2002	Underwood et al.	
	40	US-2003/0055454	03-20-2003	Zucker	
	41	US-2003/0171744	09-11-2003	Leung et al.	

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60429553 v1

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
			Application Number	10/825,961
			Filing Date	April 16, 2004
			First Named Inventor	MILLER, DAVID R.
			Art Unit	3738
Examiner Name	Unassigned			
Sheet 2	of 3	Attorney Docket Number	022175-000200US	

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	42	US-2004/0024399	02-05-2004	Sharps et al.	
	43	US-2004/0116977	06-17-2004	Finch et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	44	EP	0931560	A1	07-28-1999	Batchelor et al.		<input type="checkbox"/>
	45	WO	99/64869	A2	12-16-1999	Baldwin et al.		<input type="checkbox"/>
	46	WO	03/024506	A2	03-27-2003	Hovda		<input type="checkbox"/>
	47	WO	03/049669	A2	06-19-2003	Pitaru		<input type="checkbox"/>
								<input type="checkbox"/>
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			Application Number	10/825,961	
			Filing Date	April 16, 2004	
			First Named Inventor	MILLER, DAVID R.	
			Art Unit	3738	
Examiner Name	Unassigned				
Attorney Docket Number	022175-000200US				
Sheet	3	of	3		

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	48	Bogduk et al. <u>Spine care</u> : Discography Chapter 14, pp. 219-238, 2 v. ill. St. Louis : Mosby, c1995.; 29 cm.		
	49	Caragee EJ, Provocative discography in patients after limited lumbar discectomy: A controlled, randomized study of pain response in symptomatic and asymptomatic subjects. Spine 2000; 25:3065-71		
	50	Caragee, EJ. Is Lumbar Disography a Determinate of Discogenic Low Back Pain: Provocative Discography Reconsidered Corr. Rev. Pain 2000: 4(4):301-8		
	51	Colhoun, E. et al.: Prococative discography as a guide to planning operations on the spine. J Bone Joint Surg Br 1988; 70:267-71		
	52	Gill, K et al. Functional results after anterior lumbar fusion at L5/S1 in patients with normal and abnormal MRI scans. Spine 1992:17:940-2		
	53	Wetzel, FT et al. The treatment of lumbar spinal pain syndromes diagnosed by discography. Lumbar arthrodesis. Spine 1994:19:792-800		

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